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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C..G)

WRIT PETITION NO. 1715 /2005

UNDER ARTILCE 226 OF THE CONSTITUTION OF INDIA

PETITIONER: Kailash Mishra, s/o A. P. Mishra, aged about 52 years, occupation service, Assistant Engineer, Office of Executive Engineer, Indrawati Project Division, Jagdalpur, District Bastar (C.G.)

RECEIVED-COPY 19.12.05 CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS: 1. State of Chhattisgarh, through, Secretary, Department of Water Resources, Dau Kalyan Singh Bhawan Raipur (C.G.)

2. Deputy Secretary, Department of Water Resources, Govt. of Chhattisgarh, Dau Kalyan Singh Bhawan Raipur (C.G.)

3. Superintending Engineer, Indrawati Project Circle, Jagdalpur, District Bastar (C.G.)

4. Executive Engineer, T. D. P. P., Water Resources Division, Jagdalpur, District Bastar (C.G.)

P.R. No. 16831 Presented by Shri A. Jay K. Dingra dated 19.12.05

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 34

मामला क्रमांक WP/1715/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

3.5.2005

Mr. Alok Bakshi, counsel for the petitioner.

Mr. Bhaskar Pyasi, Panel Lawyer for the State.

Heard.

By this writ petition under Article 226 of the Constitution of India the petitioner has questioned the legality & propriety of order dated 5.4.2005 (Annexure P-1) whereby he has been transferred from the office of Superintending Engineer, Indrawati Project Division, Jagdalpur to Shyam Barnai Project Division, Ambikapur.

The case of the petitioner is that he was working in Jagdalpur division since 1997 and looking to the efficiency and performance of the petitioner, he has been given additional charge of Water Resources Sub Division, Solemeta. Further case of the petitioner is that in the year 2001 a NIT was floated by the Water Resources Sub Division, Jagdalpur and the estimated cost of work was also published in the NIT. However, later on the petitioner prepared another estimated cost of the work, which was less by Rs.10 Lac then the earlier estimated cost, which infuriated the contractors, they started making complaints against the present petitioner and on the basis of that complaints the petitioner has been transferred to a far off place Ambikapur.

Learned counsel for the petitioner submits that the petitioner's daughter is studying in Engineering College at Jagdalpur, the petitioner is a low paid employee and he has been transferred to Ambikapur, which is a far off place. Counsel further submits that the petitioner may be allowed to make a representation to re[illegible]

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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No.4 and respondent No.4 be directed to consider the case of the petitioner and if the cancellation of transfer order is not possible then adjust the petitioner at the appropriate place, to which counsel for the respondents has no objection.

Having heard learned counsel for the parties, having perused the record, the limited request made by counsel for the petitioner is just and fair, as the petitioner is working at Jagdalpur and his daughter is also studying there, therefore, the petitioner is allowed to make a representation along with copy of this petition to respondent No.4 within 10 days from today and in turn respondent No.4 is directed to decide the representation of the petitioner within a period of one month from the date of receipt of the representation after considering all grievances and difficulties of the petitioner in accordance with law.

It is directed that the petitioner shall not be relieved till the representation is decided, if already not relieved.

With the direction aforesaid, this petition stands disposed of.

Consequently, M.W.P. No.1337/05 & I.A. Nos.3310/05 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)